

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
23 East Ruhl Road, 1970' W.
Freeman Rd. (2324 E. Ruhl Rd.)
6th Election District
3rd Councilmanic District
Grant College, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 89-271-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval for Special Exception from Section 1A01.2.C.24.e. to permit an "agricultural support" use (ice cream manufacturing) in an R.C.2 zone and a Special Hearing for approval of a dairy farm with ice cream manufacture, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Grant College, appeared, testified and was represented by Theodore C. Denick, Esquire. There were no Protestants.

The evidence and testimony tend to indicate that the Petitioner plans to establish an ice cream manufacturing plant in an accessory building located on the property, known as 2324 East Ruhl Road, Freeland, Maryland 21053. This is also the location of the Petitioner's home. As shown on Petitioner's Exhibit #1 the land is zoned R.C.2 and contains approximately 5.228 acres of ground. The Petitioner has testified that he was in the ice cream business in Pennsylvania when he was forced to move the business.

Section 1A01.2.B. does not permit ice cream manufacture or sale in the R.C.2 zone. The Petitioner has requested a Special Exception, pursuant to Section 1A01.2.C.24.e. to permit an "agricultural support" use. Since the Baltimore County Zoning Regulations (B.C.Z.R.) do not provide for such a use, the Petitioner requests relief, pursuant to a Petition for Special Hearing, to find that ice cream manufacturing is permitted in R.C.2 zone.

The evidence presented by the Petitioner establishes that this property is not used as a farm; that the raw materials for the ice cream will not be produced on site; that the raw materials for the ice cream will be bought from a commercial producer (Cloverland) in the Baltimore area and shipped by truck to the site, processed and shipped off site by truck for retail sale elsewhere and there will also be sales from the site.

Section 1A01.2.C.24. permits "agricultural support" uses by Special Exception and these uses are listed below in Subsections 1A01.2.C.24.a.-f. Everyone of the listed uses in Section 1A01.2.C.24. is either directly related to the production of agricultural products from farm machinery sales and/or for grain mills through the direct processing of agricultural products for sale to the public; i.e., slaughter houses, processing fruits and for animal products. None of these listed uses is a secondary process or producer; they all support agricultural production directly.

When interpreting the B.C.Z.R. the words of the statute must be given plain meaning. Section 1A01.2.C.24. reads as follows:

"24. The following "agricultural-support" uses:
(Bill No. 178, 1979.)

a. Farm-machinery sales, storage, or service; blacksmithing

b. Feed or grain mills or driers

c. Fertilizer sales or storage

d. Sawmills

e. Slaughter houses or manufacture, processing or packing of fruit, vegetables, animal or meat products, or by-products

f. Wine or spirits manufacture, including the manufacture of alcohol to be used in gasoline-alcohol mixtures, but excluding the production of these mixtures (as a principal use)."

-2-

Section 1A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas.

To achieve this result, the R.C. classifications would: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development of regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. May of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

-3-

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 340, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished. Walker v. Montgomery, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied. Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying (its) enactment. Giant of Md. v. State's Attorney, 267 Md. 501 at 503, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Gosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit and Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context... (since) the meaning of the plainest words in a statute may be controlled by the context...". In construing statutes, therefore, results that are unreasonable,

-4-

illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. Went End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

A close review of the Petitioner's operation reveals a manufacturing plant for ice cream making and not a farm. Of course, ice cream is a food product made from animal products or by-products; but, from where, how and at what point in the production or refinement process does this production relate and is this operation consistent with a common sense reading of the statute?

By his own testimony, Mr. Collidge buys ice cream mix from a commercial processor in the Baltimore area. His operation buys no raw materials from farmers and there is no direct support of agriculture, except some loose general benefit to farming national by ice cream processing. This is not a dairy farm that happens to want to make its own ice cream. This is a pure and simple manufacturing operation that wants to operate in the R.C.2 zone, because the owner has land there. This manufacturing use is no different than some of the uses listed in the M.L. and M.H. zones.

The Petitioner also claims that he does not plan retail sales from the site, but then he admits there will be retail sales of bulk amounts (half gallons, etc.). The scope of this operation is extremely far removed from the original intent of the R.C. 2 section. Arguably, this is a kin to having a lumber yard in the R.C.2 zone because trees are agricultural products and the sales of wood supports the forest industry and sawmills. The Petitioner's nexus argument would also appear to work for a meat market/deli because it is a meat processing business and the store would support slaughter houses.

-5-

This type of misplaced reliance on one group of words in a broad set of regulations will convolute the spirit and intent of the B.C.Z.R. The Petitioner's result would be unreasonable and inconsistent with the common sense reading of the spirit and intent of the Resource-Conservation zones. I believe that it is improper to reach an illogical result that runs counter to the legislative intent.

I do not believe the Zoning Commissioner was granted the authority set forth in Section 500.6 to properly interpret the B.C.Z.R. in order to facilitate the subversion to the concept of orderly and controlled land use. I believe there is no rational bases upon which to support the Petitioner's request. The nexus argument presented by the Petitioner has no factual support for encouraging continued agricultural use. In fact, it will prevent continued agricultural production. This business and manufacturing use should be located in a true manufacturing zone. Agricultural land in the R.C.2 should not be lost to the development of an ice cream manufacturing plant.

It is clear that the B.C.Z.R. does not permit the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would be detrimental to the primary uses in the vicinity.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

-6-

The proposed use will be detrimental to the health, safety or general welfare of the locality. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R. The use is not permitted in the R.C.2 zone.

Pursuant to the advertisement, posting of the property, and public hearing held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community will be adversely affected. Therefore, the special exception and the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of July, 1989, to permit an "agricultural support" use (ice cream manufacturing) in an R.C.2 zone and a Special Hearing for approval of a dairy farm, as more particularly described on Petitioners' Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County that ice cream manufacturing is not a use permitted in the R.C.2 zone.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

-7-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 7, 1989



Theodore C. Denick, Esquire
1400 Munsey Building
Baltimore, Maryland 21202

RE: Petition for Special Hearing
Case #89-271-SPHX
Grant College, Petitioner

Dear Mr. Denick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn
att: Peoples Counsel

cc: Mr. Grant College, 2324 E. Ruhl Road, Freeland, Md. 21053

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 5007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve _____
A dairy farm with ice-cream manufacture. (See plat clip)
_____ Deed with recorded easement. On the property. Freeland, Md. 21053. Not ship to Baltimore working.
_____ is a change to not ship to Baltimore working.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Grant G. Colledge, E.D. 6
(Type or Print Name) DATE 12/10/88
Signature: Grant G. Colledge
Janna L. Colledge, E.D. 6
(Type or Print Name) DATE 12/10/88
Signature: Janna L. Colledge
Address: 2324 E. Ruhl Rd., Freeland, Md. 21053
City and State: Freeland, Md. 21053
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Same
Name: Same
Address: Same
Phone No.: Same

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of January, 1989, at 2 o'clock P.M.
J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE 7-27-88
REVIEWED BY: [Signature] DATE 7-27-88

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S East Ruhl Rd., 1970' N
Peterson Rd. (2324 E. Ruhl Rd.) : OF BALTIMORE COUNTY
6th Election Dist.
3rd Councilmanic Dist.
GRANT G. COLLEDGE, et ux, : Case No. 89-271-SPHX
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
587-2188

I HEREBY CERTIFY that on this 24th day of January, 1989, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Grant G. Colledge, 2324 E. Ruhl Rd., Freeland, MD 21053, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-271-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____
support use (ice-cream manufacturing) in a SC 2 Zone.
2324 East Ruhl Road, Freeland, Maryland 21053

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Theodore C. Denick, Esquire
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 685-7400

Legal Owner(s):
Grant Colledge
(Type or Print Name)
Signature
Janna Colledge
(Type or Print Name)
Signature
2324 East Ruhl Road 329-6020
Address
Freeland, Maryland 21053
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Grant Colledge
Name
SAME AS ABOVE
Address
329-6020
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of January, 1989, at 9 o'clock P.M.
J. Robert Haines
Zoning Commissioner of Baltimore County.

RECEIVED BY: [Signature] DATE 2/6/89

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th Date of Posting: April 8-89
Posted for: Special Exception Hearing
Petitioner: Grant G. Colledge et ux
Location of property: W.S. of East Ruhl Road, 1970' N of Peterson Rd. (2324 E. Ruhl Rd.)
Location of Signs: On front of 2324 East Ruhl Rd.
Remarks: [Signature]
Number of Signs: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 3, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 30, 1989.

TOWSON TIMES,

S. Zebe Orlean
Publisher

PO 10873
reg M27106
ca 89-271-SPHX
price \$ 104.81

Sh. D. Snyder
1911 Hanover Pike
Baltimore, Maryland 21074
(301) 833-7744 (301) 833-5791

Description to Accompany Zoning Petition

Beginning for the same on the west side of East Ruhl Road 0.35 miles north of Peterman Road in the Fourth Election District of Baltimore County Maryland and running

- 1.) S 49° 17' 26" W 42.78 feet, thence
- 2.) S 49° 17' 26" W 398.42 feet, thence
- 3.) N 78° 49' 49" W 218.62 feet, thence
- 4.) N 13° 13' 56" E 536.54 feet, thence
- 5.) N 86° 48' 50" E 410.00 feet, thence
- 6.) S 3° 11' 53" E 300.44 feet to the place of beginning.

Containing 5.22844 acres of land more or less.

Being the same land which was conveyed to Grant G. Colledge and Janna L. Colledge, his wife, from Stanley Wildason, Catherine May Wildason, Richard A. Pace, Sr. and Darlene E. Pace, his wife, by deed dated July 23, 1985 and recorded among the Land Records of Baltimore County Maryland in Liber E.H.K., Jr. 7244 folio 722 etc.

MEMBER: Md. Soc. of Surveyors • W. Va. Assoc. of Land Surveyors • ACSM • CCASE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Mr. & Mrs. Grant Colledge
2324 East Ruhl Road
Freeland, Maryland 21053

Re: Petitions for Special Hearing and Special Exception
CASE NUMBER: 89-271-SPHX
US East Ruhl Road, 1970' N Peterman Road
2324 East Ruhl Road
6th Election District - 3rd Councilmanic
Petitioner(s): Grant G. Colledge, et ux
SPECIAL HEARING - held on 1/19/89.
SPECIAL EXCEPTION HEARING: To be held on WEDNESDAY, APRIL 26, 1989 at 9:00 a.m.

Dear Petitioners:
Please be advised that \$134.81 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 037022
DATE 4/26/89 ACCOUNT RCH-115-000
AMOUNT \$ 134.81
RECEIVED FROM Grant Colledge
FOR PIA 4/26/89 89-271-SPHX
VALIDATION OR SIGNATURE OF CARRIER
TOWSON TIMES PUBLISHER AGENCY YELLOW-CUSTOMER

post set(s), there each set not

ner of

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Grant Colledge 2324 E. Ruhl Road, Freeland, Md. 21053
Theodore C. Denick, Esquire 1400 Munsey Building, Baltimore, Md. 21202

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 3, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 30, 1989.

THE JEFFERSONIAN,

S. Zebe Orlean
Publisher

PO 10873
reg M27106
ca 89-271-SPHX
price \$ 104.81

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
Petitions for Special Hearing and Special Exception
Case Number: 89-271-SPHX
US East Ruhl Road, 1970' N Peterman Road
2324 East Ruhl Road
6th Election District - 3rd Councilmanic
Petitioner(s): Grant G. Colledge, et ux
Special Hearing - held on 1/19/89.
Special Exception Hearing - To be held on Wednesday, April 26, 1989 at 9:00 a.m.
Special Exception: To permit an agricultural support use (ice-cream manufacturing) in an RC 2 Zone, 2324 East Ruhl Road, Freeland, MD 21053.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ-457 Mar 30

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

March 10, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception
CASE NUMBER: 89-271-SPHX
US East Ruhl Road, 1970' N Peterman Road
2324 East Ruhl Road
6th Election District - 3rd Councilmanic
Petitioner(s): Grant G. Colledge, et ux
SPECIAL HEARING - held on 1/19/89.
SPECIAL EXCEPTION HEARING: To be held on WEDNESDAY, APRIL 26, 1989 at 9:00 a.m.

Special Exceptions To permit an "agricultural support" use (ice-cream manufacturing) in an RC 2 Zone, 2324 East Ruhl Road, Freeland, MD 21053.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Grant Colledge, et ux
Theodore C. Denick, Esq.
File

BASS & DENICK, P. A.

ATTORNEYS AT LAW
SUITE 1400 MONROE BUILDING
7 N. CALVERT STREET
BALTIMORE, MARYLAND 21204-1070

TELEPHONE: (410) 855-7400
F. V. 101 876-8284

January 31, 1989

OF COUNSEL
LEONARD BASS

THOMPSON C. DENICK
WILLIAM L. RAHAL
HOWARD CASHIN
LAWRY CAPLAN

JOHN H. DENICK
NORMAN M. WILKINS
JOHN C. FREDERICKSON

Office of Planning and Zoning
Baltimore County Office Building
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mitch Kellman

RE: ZONING PETITION NO. 89-271-SPH
OYLLIDGE, Grant and Janna
2324 EAST Ruhl Road
FREETOWN, MARYLAND 21053

RECEIVED
FEB 2 1989

ZONING OFFICE

Dear Mr. Kellman:

We are pleased to enclose herewith, in triplicate, Petition for Special Exception together with check in the amount of \$100.00, payable to Baltimore County, Maryland. At the first hearing scheduled before John Robert Haines, Zoning Commissioner, certain questions were raised, which I feel can be answered by this letter.

The ice cream manufacturing will be basically a wholesale operation formerly operated at 12 North Main Street, Shrewsbury, Pennsylvania and sold in bulk. There will be no hand dipping.

Although the zoning request is based on the 5.2+ acre parcel owned by Mr. & Mrs. Colledge, they also own the parcel in the rear (as shown on the plat dated June 13, 1988) which includes 4.7 acres so that together their land is approximately 10 acres.

There will be sufficient parking and lighting, with the parking being at the existing frame barn and garage and the driveway lighted by exterior lighting from the barn and house. There will be minimal signage, and do not anticipate that the operation will generate any additional traffic.

If retail is used (that is selling bulk as opposed to dipped) a very small percentage of the building area would be used. That is to say, only standing room to make sure that the customer does not come into the processing area. The Colledges do not plan to use any lighted signs and will remain rural in character.

If you require any additional information, please do not hesitate to communicate with me.

Very truly yours,

Thompson C. Denick
THOMPSON C. DENICK

TCU/sa
Enclosures

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 29, 1988

THE JEFFERSONIAN
TOWSON TIMES,

S. Zeke Orleans
Publisher

PO 07802
ny M35130
case 89-271-SPH
price \$79.07

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following Petition for Special Exception: Grant G. Colledge, et ux, 2324 East Ruhl Road, 1870' N. Pateman Road, 8th Election District - 3rd Councilmanic District, Towson, Maryland 21053. The hearing will be held on Thursday, January 19, 1989 at 2:00 p.m. in Room 113 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204. The hearing will be held in the presence of the Zoning Commissioner, John Robert Haines, and the Zoning Board of Appeals, if they are in session. The hearing will be held in the presence of the Zoning Commissioner, John Robert Haines, and the Zoning Board of Appeals, if they are in session. The hearing will be held in the presence of the Zoning Commissioner, John Robert Haines, and the Zoning Board of Appeals, if they are in session.

Special Hearing: A dairy farm with ice-cream manufacture. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
12370 Dec. 22

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *h. th.*
Posted for: *Special Hearing* Date of Posting: *January 2, 1989*
Petitioner: *Grant G. Colledge, et ux*
Location of property: *2324 East Ruhl Road, 1870' N. Pateman Road, 8th Election District - 3rd Councilmanic District, Towson, Maryland 21053*
Location of Signs: *Signs placed at 2324 East Ruhl Road*
Remarks:
Posted by: *J. J. Haines* Date of return: *January 6, 1989*
Number of Signs: *1*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 1-6-89

Mr. & Mrs. Grant Colledge
2324 E. Ruhl Road
Freetown, Maryland 21053

Re: Petition for Special Hearing
CASE NUMBER: 89-271-SPH
US East Ruhl Road, 1870' N. Pateman Road
2324 East Ruhl Road
8th Election District - 3rd Councilmanic District
Petitioner(s): Grant G. Colledge, et ux
HEARING SCHEDULED: THURSDAY, JANUARY 19, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Colledge:

Please be advised that \$94.07 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. It is not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

JRH:gs
cc:File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-271-SPH
US East Ruhl Road, 1870' N. Pateman Road
2324 East Ruhl Road
8th Election District - 3rd Councilmanic District
Petitioner(s): Grant G. Colledge, et ux
HEARING SCHEDULED: THURSDAY, JANUARY 19, 1989 at 2:00 p.m.

SPECIAL HEARING: A dairy farm with ice-cream manufacture.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: GRANT G. COLLEDGE, et ux
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

December 6, 1988

Dennis F. Rasmussen
County Executive

Mr. Grant G. Colledge, et ux
2324 East Ruhl Road
Baltimore, Maryland 21053

Re: Item #35
Petition for Special Hearing

Dear Mr. Colledge:

Please be advised that your request for an expedited hearing has been forwarded to my desk for handling.

I must inform you that the docket has been filled throughout the months of December and January.

Therefore, the matter will be set for early February. However, should a request for postponement arrive in time to slip this case into an earlier slot, such will be done immediately.

Please do not hesitate to call, should there be any questions.

Very truly yours,

G. G. Stephens
DOCKET CLERK
887-3391

TO: J. ROBERT HAINES
ZONING COMMISSIONER
RE: EARLY HEARING REQUEST (ITEM #35)

Dear MR HAINES,

I FIED FOR A HEARING ON July 27, 1988 TO PRODUCE ICE CREAM IN A BUILDING BEHIND MY HOME AT 2324 E. RUHL RD (ITEM #35).

PLEASE SET AN EARLY HEARING DATE AS THIS PROCESS HAS BEEN SLOWING TIMES DUE TO WORKERS AND LOST INFORMATION. ADDITIONALLY I CLOSED MY ICE CREAM PLANT IN SHREWSBURY, PA IN SEP. 88 AND DENNY NEED THIS BLDG TO BE APPROVED.

Thank you,

Grant Colledge
(u) (301) 244-3603
(u) (311) 329-6020

This Deed, Made this 23rd day of JULY

in the year one thousand nine hundred and eighty-six, by and between CLAUDE STANLEY WILDASON and KATHERINE WY WILDASON, his wife, and RICHARD A. PACE, SR., and DARLENE E. PACE, his wife, parties

of the second part, in the State of Maryland, of the first part, and GRANT G. COLLEDGE and JANNA L. COLLEDGE, his wife, parties

Witnesseth, That in consideration of the sum of One Hundred Seventy Thousand Dollars (\$170,000.)

the said parties of the first part

do grant and convey unto the said parties of the second part, as tenants, by the entireties, their

10.00
CITX 850.00
C DOLS 850.00
DEED 0.00
SPN JR T 1718.00
433344 5391 R05 1111.59
28711.58

heirs and assigns, in fee simple, all the following lot of ground, situate, lying and being in Baltimore County, Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same at an iron pipe heretofore set at the beginning of the second or North 77th West 13th perches line of that parcel of land firstly described in a deed from Hensel L. Phillips and Bertha I. Phillips, his wife, to Ralph G. Stoffel and Marie B. Stoffel, his wife, dated 14 October 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4216, page 266, running thence and binding on said second line as now surveyed, (1) North 77°-30'-00" West 218.62 feet to a fence post heretofore set, running thence for new lines of division through and across the land now or formerly of Ralph G. Stoffel and Marie B. Stoffel, his wife, the two following courses and distances, as now surveyed, viz: (2) North 12°-57'-01" East 534.60 feet to an iron pipe now set and (3) North 86°-48'-50" East 410.00 feet to an iron pipe now set on the westerly side of East Ruhl Road, thence running parallel with and 15.00 feet distant as measured westerly from the centerline of said road, as now surveyed,

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
CLERK DATE
SIGNATURE *SS* DATE *7-28-86*

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE *SS* DATE *7-28-86*

Dear MR HAINES:

You requested exterior pictures and an interior photo drawing of the building in which I have to manufacture ice cream. This request was made 2 weeks ago, on April 26, 1989 at a 9 AM ZONING HEARING.

I will await your reply.

Thank you.

Sincerely,

Grant Colledge

GRANT G. COLLEDGE
2324 E. RUHL RD
FREETOWN, MD 21053
(H) 329-6020
(O) 244-3317

RECEIVED
MAY 11 1989

ZONING OFFICE

File

MARYLAND LINE AREA ASSOCIATION

1501 Harris Mill Rd.
Parkton, Md. 21120
August 21, 1989

Mr. J. Robert Haines
Zoning Commissioner, Baltimore County
County Office Building
Towson, Md. 21204

Re: Case #89-271-SPHX

Dear Mr. Haines,

I am writing this letter as a long time resident of Northern Baltimore County and on behalf of The Maryland Line Area Association. We have received a copy of the Findings of Fact and Conclusions of Law in the Petitions for Special Hearings and Special Exception for WS East Ruhl Rd. (2324 E. Ruhl Rd.), Case #89-271-SPHX dated 10 July 1989.

We wish to express our appreciation and to congratulate you on your well reasoned decision and order denying the petition in the case in question. It represents an example of logic and good reasoning in a zoning case in Baltimore County and we sincerely hope that it will set a precedent for adherence to Baltimore County Zoning Regulations (BCZR).

Our association is for reasonable growth and development, but we are dedicated to the preservation of agriculture and the rural environment. We have been watching an ever increasing reduction in agricultural land and urbanization of the rural area from steadily advancing development.

Your decision is especially commendable since there were no protestants present at the hearing. Our association was involved in another development case in our area and was unaware of this petition for a special exception. If we had been aware of the hearing, we would certainly have objected to this clearly industrial use of RC-2 land. In the event of an appeal of your order, our association will testify in support of your ruling.

Please accept our sincere thanks and heartiest congratulations on the application of a "common sense reading of the statute." We hope to see many more examples of such clear and logical reasoning during your tenure as Zoning Commissioner.

RECEIVED
AUG 22 1989
ZONING OFFICE

Very truly yours,

Richard W. McQuaid
Dr. Richard W. McQuaid
President

c.c. Councilman C.A. Dutch Ruppersberger
Hon. Dennis Rasmussen, County Executive, Baltimore Co.
Mr. P. David Fields, Director, Office of Planning and Zoning, Balt. Co.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

89-271

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: October 7, 1991
Mr. Powell / EIRD
Mr. Pilson / W&S
Mr. Flowers / CBCA
Mr. Maranto / Planning
Mr. Richards / Zoning
Mr. Bowling / DED (2)
Mr. Famili / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec.&Parks
Mr. Brocato / SHA
Mr. Butcher / C&P
Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 6C3
Project Name: The Wildason Property, Lot 3
Project No.: 91276 M
Engineer: A.L. Snyder
Phone No.: 239-7744

ACTION REQUESTED:

CRG Plan Review (Meeting Waived) :
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Panhandle Minor CRG Plan Review :
Minor Subdivision Review / :XX

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 10/28/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:mmm
cc: File

TO: CAM
RECEIVED
OCT 8 1991
By: scj

THE WILDASON PROPERTY
LOT 3
91-276-M

Minor Subdivision Review
Plan Date: 10/2/91
Comments Due: 10/28/91
Comments Date: 11/5/91
Comments Completed: 11/5/91

The plan has been reviewed by this office and has been found to be in general compliance with the Baltimore County Zoning Regulations. The following comments identify possible conflicts and details necessary in order to determine final compliance with these regulations. When these standard and nonstandard details and information are available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals.

HISTORY -- Provide a zoning history by case number on the plan including the date of the last two Orders, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case numbers 89-475-SFH and 89-271-SPHX.

As this is a subdivision of agricultural land with more than one principal structure upon it, compliance with Policies A-17 and RM-19 (enclosed) must be established. Indicate existing and proposed use of the structure on proposed lot #3A.

An amended record plat must be recorded in accordance with case number 89-475-SPH.

Final zoning approval is contingent first, upon all plan comments being addressed on the plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

If you have any questions, please do not hesitate to call me at 887-3391. Any requests for further information from the Zoning Office must include a reference to the minor subdivision file #91-276-M and written correspondence or revised plans must be accompanied by a copy of these comments.

Catherine A. Milton
CATHERINE A. MILTON
PLANNER I

CAM:scj

cc: Current Planning
Zoning File - 89-475-SFH & 89-271-SPHX
Waiver File